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09/893,589	06/29/2001	Julian Durand	004770.00581	5623

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EXAMINER	
TRUONG, LAN DAI T	
ART UNIT	**PAPER NUMBER**
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/893,589	DURAND ET AL.	
	Examiner	Art Unit	
	Lan-Dai Thi Truong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,11-16 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9,11-16 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is response to communications: application, filed 06/29/2001; amendment filed 02/21/2007. Claims 1-22 are pending; claims 1-3, 5, 11 are amended; claims 8, 10, 17-18 are canceled

2. Applicant's arguments filed 02/21/2007 have been fully considered; but Applicant's arguments are not persuasive; the previous rejection is retained; however a new rejection for amended claim 1 is provided according to new matters amended in the claim

Response to Arguments

3. The previous claim objection is withdrawn responsive to amendments to claim 5

4. The previous 35 U.S.C. 112, first paragraph rejection to claim 11 is withdrawn responsive to amendments to claim 11

5. Regarding to applicant's arguments with respect to the cited references do not disclose claimed feature of: "said data is rendered by said server" are not persuasive; Khidekel discloses private information stored in the secure server can be accessed and retrieved for modified by authorized users, see (Khidekel: [0025], lines 11-28)

6. In response to applicant's argument that there is no suggestion to combine the Khidekel, the Coleman and the Heaven, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, cited references teach the same area, such as, security client-server communication system, see (Khidekel: abstract; Coleman: abstract; Heaven: abstract); it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine Heaven's ideas of encrypting stored data into the Khidekel-Coleman's system in order to increase security for data management system: (Heaven: [0005])

7. In response to applicant's argument that there is no suggestion to combine the Khidekel and the Coleman, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, cited references teach the same area, such as, the client-server secure communication system, see (Khidekel: abstract; Coleman: abstract); it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine Coleman's ideas of using trust machine into the Khidekel's system in order to employ well-know standard into Khidekel's system for saving development time and resource, and further to increase security for communication network: (Coleman: column 2, lines 65-67)

8. In response to applicant's argument that there is no suggestion to combine the combine the Khidekel, the Coleman and the Athey, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, cited references teach the same area, such as, the client-server data management communication system, see (Khidekel: abstract; Athey: abstract); it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine Athey's ideas of storing information via following instructions into the Khidekel-Coleman's system in order to provide an efficient data management communication system: (Athey: [0010]-[0011])

9. In response to applicant's argument that there is no suggestion to combine the Khidekel, the Coleman and the Merchen, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, cited references teach the same area, such as, security and authentication communications in client-server communication system, see (Khidekel: abstract; Coleman: abstract; Merchen: abstract); it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine Merchen's ideas of creating audit trail to records digital certificate and timestamp into the Khidekel- Coleman's system in order to increase security for data management system: (Heaven: [0081]-[0082])

10. In response to applicant's argument that there is no suggestion to combine the Khidekel, the Coleman and the Laursen , the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, cited references teach the same area, such as, client-server secure communication system, see (Khidekel: abstract; Coleman: abstract; Laursen: abstract); it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine Laursen's ideas of communication over wireless network into the Khidekel- Coleman's system in order to improve conveniences to the uses: (Coleman: column 2, lines 65-67)

Claim rejections-35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention

11. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "trust services" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The correction is requested

12. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, such as "trust service" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Examiner does not clearly understand the right management engine applies and enforces user rights for communications between the server and what else network element(s). Furthermore, the claim does not clearly show communication structural bonding between elements (i.e. a server, a right management engine, a first storage, and a second storage) to convey the invention; the appropriate information is requested;

14. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; i.e. the examiner does not clearly understand the second storage used to time stamped and digitally signed audit trail of what type of communication data (ex. Authorization data /or data being stored at the server)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel et al. (U.S. 2001/0027527) in view of in view of He et al. (U.S. 6,088,451)

Regarding claim 1:

Khidekel discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for communication data and protecting rights, comprising:

At least one user device which communicates wirelessly and is capable of performing a mutual authentication with a server for receiving data: (Khidekel discloses authentication communications between a remote user and a secure server in order to determine if the remote user is authenticated to access files and/or applications stored at the secure server for processing electronic information transaction between them: [0005]-[0006]; [0019])

A rights management engine in communication with said server for applying and enforcing user rights associated with said data: (Khidekel discloses "an authentication server" which is equivalent to "a rights management engine" as claimed, which used to provide

authentication and validation of an entity that wishes to perform electronic information transaction with the secure server: ([0019]-[0021]; [0035]; [0040])

A first storage device in communication with the server for storing said data: (Khidekel authentication communications between users and "a secure server" which shares functionality with "a first storage device" as claimed which contains electronic information such as patient records, account information etc. those are requested for accessing by the remote users: ([0025]; [0028]; abstract; [0032]; [0035]; [0040])

Trust services: (in Khidekel's system, a secure trusted transaction system is provided: [0019])

Wherein at least one user devices are separated from said rights management engine, said first storage device for storing said data and said second storage device for recording time stamped; wherein said data is rendered by said server: (in Khidekel's system, the remote user is located separately with authentication server, secure server, and records of time stamped; therefrom the remote authenticated user can access electronic information such as patient records, account information... etc those stored at the secure server: [0025]; [0028]; figure 1, items 40, 36, 12 and 24)

However, Khidekel does not explicitly disclose including digitally signed audit trail

In analogous art, He discloses method for using audit trail to identifying access user identifies and time of access request: (column 10, lines 55-67; column 11, lines 1-7; column 23, lines 1-35)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine He's ideas of using audit trail to identifying access user

identifies and the times of access requests into Khidekel's system in order to be able to imply a well-know technique into the Khidekel's system to provide a higher secure communication network, see (He: column 1, lines 11-29)

Regarding claim 2:

This claim is rejected under rationale of claim 1

Claims 21-22 are rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel - He in view of Heaven et al. (U.S. 2002/0188854)

Regarding to claim 21-22:

Khidekel - He discloses the invention substantially as disclosed in claim 1, but does not explicitly teach storing data in protected forms

In analogous art, Heaven discloses method for storing data in encrypted formats: ([0007]; [0003])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Heaven's ideas of storing data in protected forms with Khidekel - He's system in order to employing well-known standard into the Khidekel – He's system for saving development time and resource and to improve security for communication system

Claim 3 is rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel - He **in view of Athey et al. (U.S. 2003/0208598)**

Regarding to claim 3:

Khidekel - He discloses the invention substantially as disclosed in claim 1, but does not explicitly teach a storage device for holding data which is released under instructions from said server

However, Athey discloses method for storing received information via following instructions, see (abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Athey's ideas of following instructions for storing data with Khidekel - He's system in order to be able to managing larger data, see (Athey: abstract)

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable Khidekel - He in view of Laursen et al. (U.S. 6,065,120)

Regarding claim 4:

Khidekel - He discloses the invention substantially as disclosed in claim 1, but does not explicitly teach wherein said user device is a wireless communication terminal selected from the group of consisting of a mobile station, a WAP-capable cellular telephone, an extended markup language capable cellular telephone, or a cellular phone with a processor-based system connected to it

However, Laursen disclosed the network channel could be used to transmit data between a cellular phone and data server: (column 9, lines 33-54)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Laursen's ideas of using cellular phone with Khidekel - He's system in order to provide a convenient and instant access to information being sough in the Internet, see (Laursen: [0073])

Regarding claim 5:

Khidekel - He discloses the invention substantially as disclosed in claim 4, wherein said wireless terminal is "an always" connection is matched (column 9, lines 33-54)

Laursen disclosed user device such as cellular telephone what is an "always-on" device.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Laursen's ideas of using always-on machine with Khidekel - He's system in order to provide a convenient and instant access to information being sough in the Internet, see (Laursen: [0073])

Claims 6, 12-15 and 19-20 are rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel et al. (U.S. 2001/0027527) in view of in view of Coleman (U.S. 5,717,756)

Regarding claim 6:

Khidekel discloses the invention substantially as claimed, including method, which can be implemented in a computer hardware or software code for communicating data from a server to a wireless user device and protecting rights therein, comprising:

Authenticating identification of said server and said user device: (Khidekel discloses authentication communications between a remote user and a secure server in order to determine if the remote user is authenticated to access files and/or applications stored at the secure server for processing electronic information transaction between them: [0005]-[0006]; [0019])

Requesting data to be communicated from said server to said user device: (in Khidekel's system, the remote authenticated user can access electronic information such as patient records, account information... etc those stored at the secure server: ([0025]; [0028)

Authorizing said data to be communicated based on rights attributed to said user device in a rights manager engine separate from said user device: (in Khidekel's system, the remote user is located separately with "authentication server" which shares functionality with "a rights manager engine" as claimed, secure server, and records of time stamped; therefrom the remote

authenticated user can access electronic information such as patient records, account information... etc those stored at the secure server: [0025]; [0028]; figure 1, items 40, 36, 12 and 24)

Rending said data from said server to said user device wirelessly: (Khidekel discloses communications between the remote user and the secure server is wirelessly; in Khidekel's system, the remote authenticated user can access electronic information such as patient records, account information... etc, those are stored at the secure server: [0005]-[0006]; [0019]; [0025]; [0028]; figure 1, items 40, 36, 12 and 24)

Recording said authorization to provide for billing information: (Khidekel discloses method for recording user authentications, and it can be applied in business model/ consumer model; it would have been obvious to bill consumers for the received services from business providers: figure 1, item 24; [0020]-[0023])

However Khidekel does not explicitly disclose an audit trail

In analogous art, Coleman discloses "a trust machine" which shares functionality with "an audit trail" as claimed: (abstract; column 8, lines 41-67; column 9, lines 1-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Coleman's ideas of trust machine into the Khidekel's system in order to improve security for communication network: (Coleman: column 2, lines 65-67)

Regarding claims 13-15 and 19:

Those claims are rejected under rationale of claim 6

Regarding claim 20:

This claim is rejected under rationale of claim 19

Regarding claim 12:

In addition to rejection in claim 6, Khidekel - Coleman further discloses data stored in a content storage connected to said server: (Khidekel: "secure server" which shares functionality with "a content storage" as claimed: figure 1, item 36)

Claim 7 is rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel - Coleman in view of Athey et al. (U.S. 2003/0208598)

Regarding to claim 7:

Khidekel -Coleman discloses the invention substantially as disclosed in claim 6, but does not explicitly teach a storage device for holding data which is released under instructions from said server

However, Athey discloses method for storing received information via following instructions, see (abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Athey's ideas of following instructions for storing data with Khidekel -Coleman's system in order to be able to managing larger data, see (Athey: abstract)

Claim 11 is rejected under 35 U.S.C 103(a) as being un-patentable over Khidekel - Coleman in view of Merchen (U.S. 2003/0088771)

Regarding to claim 11:

Khidekel -Coleman discloses the invention substantially as disclosed in claim 6, but does not explicitly teach recording authentication along with other information

In analogous art, Merchen discloses audit trail records digital certificate with date/time and timestamp: ([0073])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Merchen's ideas of using audit trail to records data with Khidekel -Coleman's system in order to provide a convenient communication system wherein the user can track records anytime, see (Merchen: [0073])

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable Khidekel -Coleman in view of Laursen et al. (U.S. 6,065,120)

Regarding claims 9 and 16:

Khidekel -Coleman discloses the invention substantially as disclosed in claims 6 and 15, but does not explicitly teach always-on device connection

In analogous art, Laursen disclosed user device such as cellular telephone what is an "always-on" device: (column 9, lines 33-54)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Laursen's ideas of using always-on machine with Khidekel - Coleman's system in order to provide a convenient and instant access to information being sough in the Internet, see (Laursen: [0073])

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System for protecting copyrighted materials": 6334118; 6301660; 5032979; 4672572

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/12/2007

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SUPERVISORY PATENT EXAMINER